SUBJECT OF MEETING:	Ashby Gardens Meeting
VENUE:	Board Room / Microsoft Teams (Hybrid Meeting)
MEETING DATE:	Thursday 28 August 2025
MEETING TIME:	13:00 - 14:15

In attendance:

SADC/HCC
Cllr Sarwar Shamsher, Sopwell Ward Councillor
Cllr Harriet Sherlock, Sopwell Ward Councillor
Cllr Sandy Walkington, Herts County Council Councillor (St Albans South)
Tom Hardy, Assistant Director – Built Environment, Customer, Business & Corporate Support
Stuart Fitzsimmons, Assistant Director – Public Realm, Community & Place Delivery
Sim Manley, Interim Development Manager – Planning, Community & Place Delivery
Daniel Flitton, Principal Parks & Green Spaces Officer, Community & Place Delivery
Yolissa Tite, Executive Assistant (Note Taker), Strategy, Policy & Transformation

Ashby Gardens residents
Phillip Simmons, Ian Brander, Ellen Jolliffe, Helen Whitbread

Apologies received
Tony Smith, Sandra Hanton, Mary Bateman, Yuk Lin Man

1. Introductions

TH welcomed attendees and facilitated introductions.

2. Format and aims of meeting

- To provide residents with the opportunity to raise concerns to officers and councillors directly.
- To reach a shared understanding of key issues, with some points potentially resolved during the meeting; others may require further investigation.
- To foster open discussion and clarify issues before any formal written response.

3. Clarification of land being discussed

TH confirmed the focus of the meeting was to discuss land sold as Lot 161 by Auction House London.

- DF presented a GIS map showing multiple parcels of land included in the sale. The sale also included some roadways and a footpath.
- TH explained most roads are adopted by Hertfordshire County Council (HCC) as the Highway Authority.
- SW clarified that while highways land is maintainable at public expense, ownership of the underlying ground does not need to be by the Highway Authority and can be in private ownership, hence why it was possible for the adopted roadway to be sold.

- Adoption of land can also occur for non-highway purposes (e.g. playgrounds, drainage).
- TH noted that "stopping up" (removal of adoption) is possible but is a formal legal process which requires consultation.
- DF shared the adoption map - the adoption map does not show the grassed areas at Ashby Gardens to be maintainable at public expense.

ACTION: DF to speak to HCC to confirm adoption status of the land strip (footpath) behind HW's property (No. 19) as this was not shown on the particular adoption map the meeting looked at.

Garages and access

- Residents stated they owned the land in front of their garages and DF was able to confirm this using the Council's access to Land Registry (this was displayed on screen).
- It was agreed this was not the focus of the meeting and residents were advised to check their individual Title Deeds via the Land Registry website for clarity on access rights.

4. Recent sale

- TH put the auction site on screen.
- The land changed ownership twice: first in a private sale in June 2025, then via auction.
- The Council (and residents) were unaware of the initial sale.
- The land is not listed on the Council's Asset Register, as it was not previously owned by the Council.

5. Position on original intention to adopt and the Council's current obligations

- The original intent by Connolly Homes for SADC to adopt this land is not disputed.
- The references to the public amenity/public open space which feature in the original planning documents are not disputed.
- There is evidence the Council was willing to consider the adoption of the land, subject to certain conditions being met.
- However, adoption is not an automatic process and requires legal work and input from both the Council and the developer, with a commuted sum expected to be paid.
- No agreements have been found to suggest this took place.
- SM explained it was likely a Section 52 (now a Section 106) agreement would have been required. The Council has reviewed archive records and has not located any such agreement, nor reference to one.
- There have been communications in the past referring to the land as 'highways maintainable' but these are considered to have been in error, and these references do not constitute nor replace formal adoption.
- TH referenced email exchanges between residents, Councillors and officers dated June 2019 where the residents appear to confirm they are aware Connolly Homes own the land and their unwillingness to maintain it.

6. Historic maintenance and ambiguity in status

- SF explained SADC and HCC officers reviewed the site's history.
- HCC previously maintained the land under the assumption it was highways land, using contractors (currently via SADC as part of an Agency Agreement, previously Ringway).
- The land is now confirmed as privately owned; SADC must cease maintenance to avoid trespassing. The owner will need to take responsibility to maintain it.
- The land does not qualify for 'adverse possession', as residents have not occupied it exclusively or without permission.

ACTION: Hedges to be cut before the end of the season, if possible. DF to look into this.

7. Future maintenance (including grass-cutting, access routes, lighting, and safety apparatus)

- HCC has requested that SADC stop maintenance (grass and hedge cutting) at the end of the season.
- It was confirmed the three oak trees which have TPOs (Tree Preservation Orders) near the garages are the responsibility of the landowner to maintain.
- There was a request from residents that should the Council be successful in making contact with the new owners, they be asked to ensure the oak trees do not hinder access to the garages.

8. Protection of land

This agenda item was incorrectly listed as 'Protection of Lane'.

Planning points noted included:

- A change in ownership does not alter the planning status of land.
- Planning applications require formal notice to all landowners and include the proposed development details.
- Failure to serve notice to all landowners (legal requirement) invalidates planning applications.
- Residents will be notified of any planning applications via letter and site notices.
- Residents can submit representations through the Council's online Planning Portal.
- Considerations include, amongst other things, access, loss of space, amenities, and right to light.
- The Council cannot pre-determine outcomes.
- Applications require a 21-day neighbour consultation during which time the Council cannot determine the application. All representations received after the 21-day consultation period finishes will still be considered up to the application being determined.

Maintenance and upkeep of land

- Residents expressed concerns about potential neglect and its impact on the cul-de-sac.
- The Planning Enforcement Team can intervene if the land is considered to be unsightly (e.g. overgrown, fly-tipping, health hazards) (S215 Notice).
- Residents can report concerns to the Planning Enforcement Team for investigation.
- Enforcement under a s215 notice enables the Council to issue notices to the landowner to complete appropriate works, or the Council can undertake these works and charge costs incurred to the landowner.

'Landlocked' area of land and planning

- The northern parcel is landlocked; access requires notice to landowners (house no. 3).
- The triangle of land behind the garages is also landlocked.
- Planning permission does not remove property rights; landowner consent is essential.
- DF cited examples where planning permission was granted but development was blocked due to lack of landowner consent for permission to access.

Erection of a fence/attempts to enclose

- Permitted development for fences is covered under Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. This allows the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure up to 2m high unless abutting a public highway or footpath where the maximum height would then be 1m. This can be done without requiring planning permission.

9. Contacting new owner

- TH noted the new owner may be unaware of the land's history and emphasised the importance of establishing dialogue.
- Residents cannot be charged for land maintenance; responsibility lies with the owner.

ACTION: TH has contacted the Auction House to reach the new landowner. Direct contact will be possible once Land Registry registration is complete. If contact can be made, TH will remind the new owners of their obligations in terms of maintenance.

ACTION: TH to keep Councillors and residents updated should he hear back from the new owners.

10. AOB

- Residents asked about Village Green status nomination. SADC officers were unable to comment as these applications are handled by HCC.
- Residents asked about the Assets of Community Value (ACV) process. TH explained the process and confirmed SADC deals with these. If an asset is listed as an ACV, this provides a 6-month right of first refusal to the nominating group to purchase the asset at open market value.
- The Legal Team assesses ACV applications; if the criteria are met, an inspection is conducted by a RICS surveyor before a report is written to recommend if the asset should be listed or not.
- The senior SADC officer with the appropriate delegation makes the decision in consultation with the lead Councillor, based on the surveyor's report.
- Further ACV information is listed on the Council's website here: https://www.stalbans.gov.uk/assets-community-value
- EJ submitted an envelope marked 'ACV application' to TH which was passed to the Legal Shared Service immediately after the meeting.
- It was asked if the Council could put in writing the position that was confirmed at the meeting regarding future maintenance. TH confirmed he would look into this and discuss with the Chief Executive. If appropriate, a letter would be sent to all residents, separately to the minutes of the meeting.

ACTION: TH to hand deliver ACV application form to Legal Shared Service.

ACTION: Residents in attendance at today's meeting to be kept informed of any relevant updates should officers obtain new or additional information.

ACTION: A copy of today's notes will be circulated via email to meeting attendees post meeting, and within 10 working days of the meeting.

ACTION: TH to look into sending a letter to all residents, if deemed appropriate to do so.

Thanks were expressed to all for attending today's meeting and contributing to the discussion.